



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,506	03/18/2005	Luc Delons	21029-00286-US1	7890

30678 7590 06/16/2006

CONNOLLY BOVE LODGE & HUTZ LLP
SUITE 800
1990 M STREET NW
WASHINGTON, DC 20036-3425

EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
----------	--------------

3749

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,506

Applicant(s)

DELONS, LUC

Examiner

Jiping Lu

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed turning over means in claim 1, the claimed compressor and two heat exchangers in claim 3, the claimed sensors and louvers and regulating means in claim 5, the claimed programming and automation means in claim 6 and the claimed ventilation means and turning over means are supplied with energy from the wind generators in claims 8-9 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3749

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the using of phrases "The invention concerns", "means", is characterized in" in abstract is improper . Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321 A1) in view of Laing (DE 3118947 A1).

Luboschik shows an installation for drying sludge 1,2 from waste water comprising a greenhouse 3,1 with transparent walls, erected on a slab or floor 2,2, a turning over and routing means 2,3, and ventilation means 3,3 and 3,7 which are arranged same claimed. However, Luboschik does not show a wind generator for generating energy and supplying heat to the greenhouse. Laing teaches a concept of using wind generator 16 for generating energy and actuating a heat pump for heating the greenhouse same as claimed.. The heat pump comprises a compressor 7 and two heat exchangers 19, 26. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the installation of Luboschik to include a wind generator of Laing in order to save the energy. With regard to claims 8-9, examiner takes official notice that is well known in the art to supply the energy generated by wind generator to any electric equipment. Therefore, it would have been an obvious to one having ordinary skill in the art to supply the energy generated by the wind generators to ventilation means and slab turning over means in order to pursue the intend use.

8. Claims 1, 4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321 A1) in view of Fernandopulle (U. S. Pat. 4,230,531).

Art Unit: 3749

Luboschik shows an installation for drying sludge 1,2 from waste water comprising a greenhouse 3,1 with transparent walls, erected on a slab or floor 2,2, a turning over and routing means 2,3, and ventilation means 3,3 and 3,7 which are arranged same claimed. However, Luboschik does not show a wind generator for generating energy and supplying heat to the greenhouse. Fernandopulle teaches a concept of using wind generator 1 for generating energy and actuating a battery pack 3 for heating the greenhouse 20 and powering the ventilator 19 same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the installation of Luboschik to include a wind generator of Fernandopulle in order to save the energy. With regard to claim 9, examiner takes official notice that is well known in the art to supply the energy generated by wind generator to any electric equipment. Therefore, it would have been an obvious to one having ordinary skill in the art to supply the energy generated by the wind generators to slab turning over means in order to pursue the intend use.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luboschik (DE 4315321 A1) in view of Fernandopulle (U. S. Pat. 4,230,531) as applied to claim 1 above, and further in view of Coulthard (U. S. Pat. 3,981,803).

The installation of Luboschik as modified by Fernandopulle as above includes all that is recited in claim 2 except for the resistors embedded in the slab. Coulthard teaches a concept of using an electrically heated pad 6 (equivalent to resistors) embedded in the floor (see Fig. 1) for heating the floor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the installation of Luboschik to provide an electrical heating element to the slab as taught by Coulthard in order to heat the floor. With

Art Unit: 3749

regard to the claimed supplying electrical energy generated by the wind generator to the resistors, examiner takes official notice that is well known in the art to supply the energy generated by wind generator to any electric equipment. Therefore, it would have been an obvious to one having ordinary skill in the art to supply the energy generated by the wind generators to resistors in order to pursue the intend use.

Allowable Subject Matter

10. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

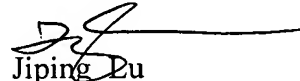
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Du
Primary Examiner
Art Unit 3749

J. L.